

Proposed Guidelines for Reconsideration of BVCP Decisions on Public Requests for Land Use Changes

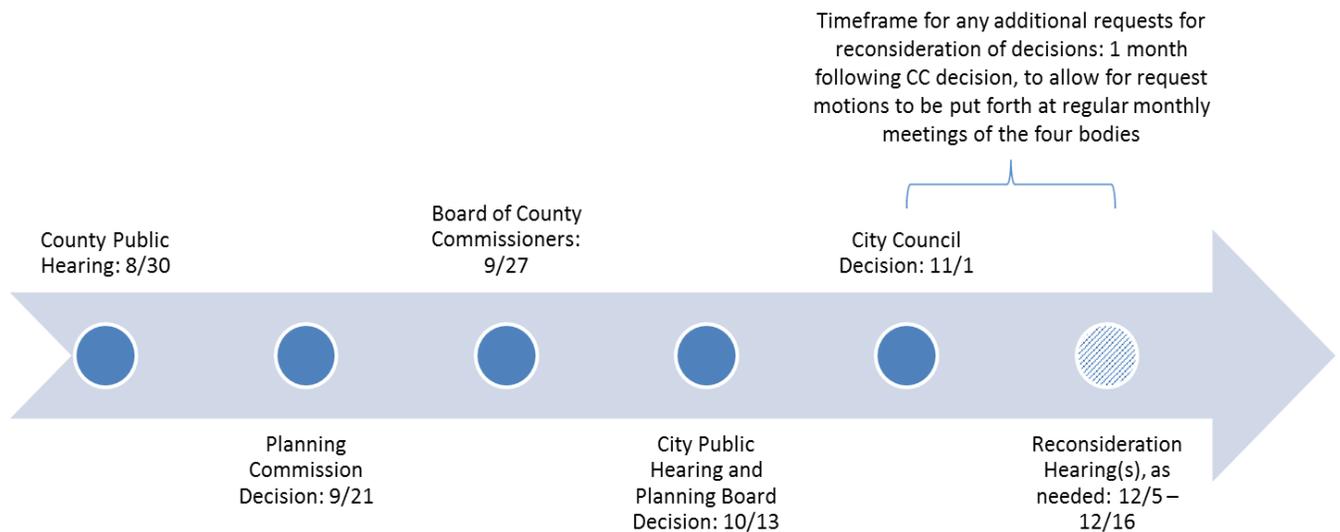
Does the Process Subcommittee suggest any changes or clarifications to the following guidance for potential denial and reconsideration of a proposed change?

Once agreed upon by Process Subcommittee, city and county staff, this proposed process will be shared with all four bodies prior to the first public hearing.

The following is the established sequence of hearings and consideration:

- **County PC and BOCC** will hold a joint Public Hearing on 4-body requests for land use changes on **Aug. 30**; PC will deliberate on **Sept. 21**; BOCC on **Sept. 27**.
- **City PB and CC** will hold a joint Public Hearing on 2-body and 4-body requests of land use changes on **Oct. 13**; PB will deliberate on **Oct. 13** and CC will deliberate on **Nov. 1**.

PC = County Planning Commission
 BOCC = Boulder County Board of County Commissioners
 PB = City Planning Board
 CC = Boulder City Council



In prior processes, if any of the bodies denied a land use change, the request would not be considered by any subsequent body. As discussed by the process committee at the April meeting, staff has proposed process clarification below that would allow for public request land use changes to be considered by all approval bodies and any of the four bodies may request reconsideration of a decision. The sequence of consideration requires clarification of possible options if a proposed land use change is denied. For example:

- Since any proposed change could ultimately undergo reconsideration, all four bodies will receive public testimony on all requests at the initial public hearings. City hearing will include items that may not have been approved by county bodies.

Possible options if a proposed land use change is **denied**:

- Each subsequent body may decide to take a different action on the previously denied requested change or they may not take action on the requested change effectively denying the change.
- If County PC first denies a proposed change, BOCC may still consider the item.
 - Regardless if BOCC agrees or disagrees with PC, city bodies still receive information about the requested change and hold a public hearing on the proposed change. City PB and CC can decide to take action or let the denial stand. If they consider the change and approve, CC would request one or both county bodies to reconsider the item.
- If BOCC denies a proposed change, city bodies may still consider the item, and if approved, CC requests reconsideration by BOCC.
- If PB denies a proposed change that has been approved by both county bodies, CC may consider the proposed change and if approved, ask city PB to reconsider.

Any requests for consideration made by Planning Board (PB) or Planning Commission (PC) will be routed through the appropriate governing body (BOCC or CC) in the form of a motion. For example, if PB wishes to request reconsideration of a decision by PC or BOCC, PB would need to first make the request to CC, which would then make the request to BOCC.

If there is a requested reconsideration, it would be considered as a continuation of the earlier item and not open a new public hearing.

Procedures for Public Hearing Speakers

Standard County Procedure	Standard City Procedure
Requestors: 3 min Requestors pooling (3): 5 min	Requestors: 3 min Requestors pooling: 5 min
Members of the public: 2 min Members of the public pooling (2): 4 min Members of the public pooling (3): 5 min	Members of the public: 2 min Members of the public pooling (3): 4 min
One requestor will be permitted to speak per grouped request.	The order of speaking with respect to requestors and members of the public: <ol style="list-style-type: none"> 1. Request #A – requestor 2. Request #A – public 3. Request #B – requestor 4. Request #B – public

	<p>Only one “requestor” (who could be those who submitted requests, or their representatives, and owners of the properties) could speak per request. So if the owner spoke during the requestor 3 min time slot, but then his/her representative also wanted to speak, the representative only would have 2 minutes (and speak as a member of the public).</p> <p>Members of the public may pool time with two other people allowing one of them to address the bodies for four (4) minutes. All three people must be present at sign up and when the speaker is called.</p>
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It is anticipated that there will be many members of the public who will speak about the Twin Lakes proposed change. The order for the public hearings are proposed as follows in order to allow those requestors and members of the public interested in the other requested changes not to have to wait through what may potentially be hours of testimony for the Twin Lakes proposed changes.

Order for County Hearing on Four Body Requests:

1. 3261 3rd Street
2. 2801 Jay Road
3. 6655 and 6500 Twin Lakes Road

Order for City Hearing on Two- and Four-Body Requests:

1. 365 Broadway
2. Table Mesa Shopping Center
3. 3485 Stanford Court
4. 3261 3rd Street
5. 2801 Jay Road
6. 6655 and 6500 Twin Lakes Road